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Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

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Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of her Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-first session[2] and the conclusions and decisions contained therein,

Recalling its resolution 54/146 of 17 December 1999,

Commending the High Commissioner, her staff and their implementing partners for the competent, courageous and dedicated manner in which they

[1] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 12* (A/55/12).
[2] Ibid., *Supplement No. 12A* (A/55/12/Add.1).

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discharge their responsibilities, paying tribute to those staff members whose lives have been endangered in the course of their duties, and strongly condemning the injuries and deaths and other forms of physical and psychological violence experienced by staff members as a consequence of generalized as well as targeted violence,

Expressing appreciation this year, marking the fiftieth commemoration of the Office of the United Nations High Commissioner, for the work accomplished since its establishment in responding to the protection and assistance needs of refugees and in promoting durable solutions to their plight, and commending States for their cooperation and support,

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its fifty-first session;

2. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the United Nations High Commissioner for Refugees in providing international protection to refugees and seeking permanent solutions to the problem of refugees, and reiterates the need for Governments to continue to facilitate the effective exercise of this function;

3. *Expresses sincere appreciation and gratitude* to Mrs. Sadako Ogata for her unrelenting efforts throughout her tenure as United Nations High Commissioner for Refugees to promote innovative humanitarian solutions to the refugee problem in various parts of the world, and for her inspiring example in performing her functions in an effective and dedicated manner;

4. *Reaffirms* that the 1951 Convention relating to the Status of Refugees[3] and the 1967 Protocol[4] remain the foundation of the international refugee regime and recognizes the importance of their full application by States parties, notes with satisfaction that one hundred and forty States are now parties to one or to both instruments, welcomes the fact that an intergovernmental event involving these States is planned on the occasion of the fiftieth anniversary of the Convention, and encourages the Office of the High Commissioner and States to strengthen their efforts to promote broader accession to these instruments and their full implementation;

5. *Notes* that fifty-two States are now parties to the 1954 Convention relating to the Status of Stateless Persons[5] and that twenty-three States are parties to the 1961 Convention on the reduction of statelessness,[6] and encourages the High Commissioner to continue her activities on behalf of stateless persons;

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[3] United Nations, *Treaty Series*, vol. 189, No. 2545.

[4] Ibid., vol. 606, No. 8791.

[5] Ibid., *Treaty Series*, vol. 360, No. 5158.

[6] Ibid., vol. 989, No. 14458.

6. *Reaffirms* that, as set out in article 14 of the Universal Declaration of Human Rights,[7] everyone has the right to seek and enjoy in other countries asylum from persecution, and calls upon all States to refrain from taking measures that jeopardize the institution of asylum, in particular by returning or expelling refugees or asylum-seekers contrary to international standards;

7. *Emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and welcomes the proposal of the Office of the High Commissioner to commence a process of global consultations on international protection and requests having a report thereon;

8. *Welcomes* measures taken by the Office of the High Commissioner to make protection effective, recognizing that international protection is a dynamic and action-oriented function, carried out in cooperation with States and other partners, inter alia, to promote and facilitate admission, reception and treatment of refugees and to ensure protection-oriented solutions;

9. *Stresses* the importance of international solidarity, burden-sharing and international cooperation to share responsibilities and partnerships in reinforcing the international protection of refugees, urges all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, to cooperate and to mobilize resources with a view to reducing the heavy burden borne by States, in particular developing countries, that have received large numbers of asylum-seekers and refugees, and calls upon the Office of the High Commissioner to continue to play its catalytic role in mobilizing assistance from the international community to address the economic, environmental and social impact of large-scale refugee populations, especially in developing countries;

10. *Condemns* all acts that pose a threat to the personal security and well-being of refugees and asylum-seekers, such as refoulement, unlawful expulsion and physical attacks, and calls upon all States of refuge, in cooperation with international organizations where appropriate, to take all necessary measures to ensure respect for the principles of refugee protection, including the humane treatment of asylum-seekers;

11. *Urges* States to uphold the civilian and humanitarian character of refugee camps and settlements, inter alia, through effective measures to prevent the infiltration of armed elements, to identify and separate any such armed elements from refugee populations, to settle refugees in secure locations and to afford the Office of the High Commissioner and other appropriate humanitarian organizations prompt, unhindered and safe access to asylum-seekers, refugees and other persons of concern;

12. *Calls upon* States and all concerned parties to take urgently all possible measures to safeguard the physical security and property of the staff of the Office of the High Commissioner and other humanitarian personnel, to investigate fully any crime committed against them and to bring to justice persons responsible for such crimes;

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[7] Resolution 217 A (III).

13. *Encourages* the Office of the High Commissioner, in cooperation with host countries and in coordination with other relevant United Nations bodies, to further develop and integrate appropriate security arrangements in its operations, and to allocate adequate resources for the safety and security of its staff and the persons under its mandate;

14. *Notes* that the 1994 Convention on the Safety of United Nations and Associated Personnel[8] is now in force, calls upon those States that have not yet done so to consider signing and ratifying the Convention, but notes in this regard that the Convention does not automatically apply to most humanitarian personnel, and therefore invites States to provide a timely response to the recommendation of the Secretary-General of the United Nations[9] to extend the scope of legal protection to all United Nations and associated personnel through the development of a protocol to the 1994 Convention or by other appropriate means;

15. *Urges* all States and relevant organizations to support the High Commissioner's search for durable solutions to refugee problems, including voluntary repatriation, local integration and resettlement in a third country, as appropriate, reaffirms that voluntary repatriation is the preferred solution to refugee problems, and calls upon countries of origin, countries of asylum, the Office of the High Commissioner and the international community to act in a spirit of burden-sharing and partnership to enable refugees to exercise their right to return home in safety and with dignity;

16. *Calls upon* all States to promote conditions conducive to the voluntary repatriation of refugees in safety and with dignity, including conditions furthering reconciliation and long-term development in countries of return, and to support the sustainable reintegration of returnees by providing countries of origin with necessary rehabilitation and development assistance in conjunction, as appropriate, with the Office of the High Commissioner, relevant mechanisms including those within the United Nations system, and development agencies;

17. *Reiterates* the right of all persons to return to their country of origin, emphasizes in this regard the obligation of all States to accept the return of their nationals, calls upon all States to facilitate the return of their nationals who have sought asylum and have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

18. *Acknowledges* the desirability of comprehensive approaches by the international community, notably at the regional level, to the problems of refugees and displaced persons, and notes in this regard that capacity-building in countries of origin and countries of asylum can play an important role in addressing the root causes of refugee flows, strengthening emergency preparedness and response, promoting and building peace, and developing regional standards for the protection of refugees;

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[8] Resolution 49/59, annex.

[9] See A/54/619, para. 43; A/54/154/Add.1-E/1999/94/Add.1, para. 13.

19. *Urges* States, in cooperation with the Office of the High Commissioner and other relevant organizations, to explore and support fully capacity-building initiatives as part of a comprehensive approach to addressing refugee issues and to take necessary measures to promote sustainable development and to ensure the success of capacity-building activities, and reiterates that such initiatives may include those which strengthen legal and judicial institutions and civil society, those which promote services for refugees, the observance of human rights, the rule of law and accountability and those which enhance the capacity of States to fulfil their responsibilities with respect to persons under the mandate of the Office of the High Commissioner;

20. *Reiterates its support* for the role of the Office of the High Commissioner in providing humanitarian assistance and protection to internally displaced persons on the basis of criteria enumerated in paragraph 16 of its resolution 53/125 of 9 December 1998, and underlines the continuing relevance of the Guiding Principles on Internal Displacement;[10]

21. *Calls upon* States to adopt an approach that is sensitive to gender-related concerns and to ensure that women whose claims to refugee status are based upon a well-founded fear of persecution for reasons enumerated in the 1951 Convention and the 1967 Protocol, including persecution through sexual violence or other gender-related persecution, are recognized as refugees, and encourages the Office of the High Commissioner to continue and to strengthen its efforts for the protection of refugee women;

22. *Urges* States and relevant parties to respect and observe principles of international human rights, humanitarian and refugee law that are of particular relevance to safeguarding the rights of the child and adolescent refugees whose situation is particularly vulnerable to abuse, welcomes in this regard the adoption of the Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict[11] and on the sale of children, child prostitution and child pornography,[12] and calls upon States to consider signing and ratifying them as a matter of priority;

23. *Underscores* the particular role of elderly refugees within the refugee family, welcomes the development by the Office of the High Commissioner of guidelines to address their special needs, and calls upon States and the Office of the High Commissioner to make renewed efforts to ensure that the rights, needs and dignity of elderly as well as disabled refugees should be fully respected and that programmes should be designed bearing in mind their special vulnerabilities;

24. *Recalls* that the family is the natural and fundamental group unit of society and that it is entitled to protection by society and the State, and calls upon States, working in close collaboration with the Office of the High Commissioner and other concerned organizations, to take measures to ensure that the refugee's family is protected, including through measures aimed at reuniting family members separated as a result of refugee flight;

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[10] E/CN.4/1998/53/Add.2, annex.

[11] Resolution 54/263, annex I.

[12] Ibid., annex II.

25. *Calls upon* Governments and other donors to demonstrate their international solidarity and burden-sharing with countries of asylum, in particular developing countries, countries with economies in transition and countries with limited resources that, owing to their location, host large numbers of refugees and asylum-seekers, and urges Governments to respond promptly and adequately to the Global Appeal issued by the Office of the High Commissioner, presenting requirements under its annual programme budget, to support efforts to widen the donor base so as to achieve greater burden-sharing among donors and to assist the High Commissioner in securing additional and timely income from traditional governmental sources, other Governments and the private sector so as to ensure that the needs of persons under the mandate of the Office of the High Commissioner are fully met.